

## **DEPARTMENT OF PLANNING**

**Kalana Pakui Building  
250 South High Street  
Wailuku, Hawaii 96793**

**Telephone: (808) 270-7735  
Fax: (808) 270-7634**

Access the **Maui County Code** on the World Wide Web at  
<http://www.bpcnet.com/codes/maui.htm>

<b>DEPARTMENT OF PLANNING .....</b>	<b>1</b>
ZONING ADMINISTRATION AND ENFORCEMENT DIVISION .....	3
PLANNING DIVISION .....	5
<b>COMMISSIONS, BOARDS, &amp; COMMITTEES .....</b>	<b>7</b>
STATE LAND USE COMMISSION .....	7
PLANNING COMMISSIONS .....	8
BOARD OF VARIANCES AND APPEALS ....	8
CULTURAL RESOURCES COMMISSION ....	8
URBAN DESIGN REVIEW BOARD .....	9
HANA ADVISORY COMMITTEE .....	9
MAUI REDEVELOPMENT AGENCY .....	9
NAPILI BAY CIVIC IMPROVEMENT ADVISORY COMMITTEE .....	9
<b>PERMITS &amp; PROCESSING PROCEDURES .....</b>	<b>10</b>
TYPES OF PERMITS .....	10
Change in Zoning .....	10
State Land Use Commission District Boundary Amendment ....	10
State Land Use Commission Special Permit .....	11
Community Plan Amendment .....	11
County Special Use Permit .....	12
Conditional Permit .....	13
Special Management Area Permit .....	13
Historic District Review .....	15
Outdoor Sign Permit .....	15
Bed and Breakfast Permit .....	16
Shoreline Setback Variance .....	16
Flood Development Permit .....	17
<b>HOW TO PROCESS YOUR PERMIT .....</b>	<b>18</b>
First Steps Recommended for Processing of a Permit .....	19
<b>FORMAL HEARING PROCEDURES .....</b>	<b>21</b>
Change in Zoning .....	21
County Special Use Permit .....	21
Project Master Plan .....	21
State Land Use District Boundary Amendment .....	22
State Land Use Commission Special Permit .....	22

Community Plan Amendment . . . . .	22
Conditional Permit . . . . .	23
Special Management Area Permit . . . . .	23
Historic District Review . . . . .	24
Outdoor Sign Permit . . . . .	24
Bed and Breakfast Type 1 . . . . .	24
Bed and Breakfast Type 2 & 3 . . . . .	25
Shoreline Setback Variance . . . . .	25
<b>HOW TO REQUEST A ZONING VARIANCE . . . . .</b>	<b>26</b>
Appeals from Agency Decisions . . . . .	28
How to Request a Sign Permit . . . . .	29
How to Report a Zoning Code Violation . . . . .	29
<b>APPENDIX . . . . .</b>	<b>30</b>
Figure 1: Summary of Permits	
Figure 2: Commercial Zoning Districts	
Figure 3: Development Standards	
Figure 4: Development Process Summary	
Common Development Terms	

**WELCOME TO THE COUNTY OF MAUI'S  
DEPARTMENT OF PLANNING**

The Department of Planning (Department) is a team of professionals with expertise in urban and regional planning, resource management, real estate development, economics, geographic information systems, engineering, and construction. Our mission is to facilitate a desirable living environment through dialogue with the community and the application of professional planning principles.

As you may know from experience, the permitting process can be complex -- requiring the involvement of numerous governmental agencies and public hearings. The purpose of this handbook is to provide you with helpful information -- in an easy-to-read format -- saving you valuable time and money as you pursue your development objectives.

This handbook is not a substitute for the County's specific regulations, policies, and plans. Since regulations and policies change often, it is very important to verify information found in this handbook before proceeding with a project.

The following pages provide a general explanation of our services/functions as a department, instructions on how to process your development permits, and information about our zoning districts.

## **PLANNING SERVICES**

The Department is your resource center for information on the County's zoning districts, permitted property uses, development standards, and information on land use issues and trends facing the County. The Department provides staff support for the County's Planning Commissions, Board of Variances and Appeals, Cultural Resources Commission, Urban Design Review Board, and other governmental bodies charged with overseeing development in the County.

The Department also conducts special planning studies and prepares our County's General Plan and Community Plans to foster more informed decision-making; preserves our cultural, historical, and environmental resources; facilitate the concurrent provision of infrastructure and services to developing areas; and improve the quality of development throughout the County.

If you are contemplating a land development project or starting a business in Maui County, contact the Department to understand how zoning regulations may impact your project.

## **ZONING ADMINISTRATION AND ENFORCEMENT DIVISION**

The Zoning Administration and Enforcement Division provides enforcement and general zoning information regarding development and/or improvement of real property within the County. It also staffs the Board of Variances and Appeals. The Division is responsible for the following four related areas:

### **Zoning Administration**

1. General development questions
2. Zoning, community plan, and permitted uses
3. Zoning clearance forms
4. General permit questions
5. Sign permit questions
6. General questions regarding the Special Management Area, Shoreline Setbacks, and the Flood Zone

### **Permit Processing**

1. Variances and Appeals from zoning, subdivision and building codes
2. Flood Development Permits
3. Building Permit Review

### **Code Enforcement**

1. Responds to citizen complaints on zoning and outdoor sign concerns
2. Monitors development projects to ensure compliance with zoning laws and special districts
3. Enforces special management area and shoreline setback laws
4. Educates the public to prevent potential code violations

### **Records**

1. Zoning Files
2. Use Permit Files
3. Development Review Files
4. Variance and Appeals Files
5. Zoning and Community Plan Maps

Access the **Maui County Code** on the World Wide Web at  
<http://www.bpcnet.com/codes/maui.htm>

## PLANNING DIVISION

The Planning Division staffs the Maui, Molokai, and Lanai Planning Commissions, Cultural Resources Commission (CRC), Maui Redevelopment Agency (MRA), Hana Advisory Committee (HAC), Urban Design Review Board (UDRB), and Napili Bay Civic Improvement District Advisory Committee. The Division also makes recommendations to the State of Hawaii Land Use Commission, County Council, and Mayor on planning related issues and development permits. In addition, the Division maintains a land use information system for the County of Maui and engages in long-range planning activities such as the development of our County's General Plan, Community Plans, and preparation of special planning studies.

The following types of permits are processed through the Division:

1. Change in Zoning (CIZ)	
2. State Land Use Commission District Boundary	Amendment (DBA)
3. State Land Use Commission Special Permit (SUP)	
4. Community Plan Amendment (CUP)	
5. County Special Use Permit	
6. Conditional Permit (CP)	
7. Special Management Area Permit (SMA)	
8. Historic District Application (HDA)	
9. Outdoor Sign Permit	
10. Bed and Breakfast Permit (BB)	
11. Shoreline Setback Variance	
12. Others	

## WHAT IS ZONING?

Title 19, Maui County Code, is the County's zoning ordinance. Zoning is used to classify the way land is used to provide orderly growth, quality development, and compatible land use relationships with available public facilities and services. Zoning regulates the types of activities, the nature, height, building area and intensity of land uses to protect the public health, safety and welfare and promote community functionality and aesthetics.

## **COMMISSIONS, BOARDS, & COMMITTEES**

### **STATE LAND USE COMMISSION**

The State of Hawaii is one of few states in the country to adopt a statewide planning system. All lands in the State are within one of four major State land use districts: Urban, Rural, Agricultural, or Conservation. The State of Hawaii's Land Use Commission -- a nine member body appointed by the Governor -- is responsible for the establishment of the State Land Use District Boundaries. Amendments to the boundaries involving 15 acres or less are processed through the appropriate Planning Commission and adopted through county ordinance by the County Council and Mayor.

Special Use Permits are processed through the appropriate Planning Commission , except that permits which involve lands greater than 15 acres are processed by the State Land Use Commission.

### **PLANNING COMMISSIONS**

The Maui, Molokai, and Lanai Planning Commissions each consist of nine members appointed by the Mayor and confirmed by the County Council. The members serve to advise the Mayor, County Council and the Planning Director concerning planning programs, and provide recommendations pertaining to the County's zoning ordinance. The appropriate Planning Commission will make a decision and/or recommendation on land use amendments and development permits. The Maui and Molokai Planning Commissions meet twice per month. The Lanai Planning Commission meets once per month.

### **BOARD OF VARIANCES AND APPEALS (BVA)**

The Board of Variances and Appeals consists of nine members appointed by the Mayor and confirmed by the County Council. The Board hears and determines applications for variances from the strict application of any zoning, subdivision or building ordinance. The Board also hears appeals from applicants alleging error from any person aggrieved by a decision or order of any department charged with



the enforcement of zoning, subdivision and building ordinances. The Board meets twice per month.

### **CULTURAL RESOURCES COMMISSION (CRC)**

Advises the Mayor, County Council, Planning Commissions and the Planning Director in matters concerning historic and cultural issues. The Commission meets once per month to review new construction and restoration projects within the historic districts. The Commission also reviews applications involving registered historic sites and buildings greater than 50 years.

### **URBAN DESIGN REVIEW BOARD (UDRB)**

Serves as advisory to the Maui, Molokai and Lanai Planning Commissions and the Department in the review of projects which would affect the overall aesthetic quality of the Special Management Area and special design districts. The UDRB meets twice per month.

### **HANA ADVISORY COMMITTEE (HAC)**

Advises the Maui Planning Commission on matters within its jurisdiction and carries out such duties as may be delegated by the Commission. The Hana Advisory Committee meets when necessary.

### **MAUI REDEVELOPMENT AGENCY (MRA)**

Administers the requirements of the redevelopment plan for Wailuku Town. The MRA meets once per month.

### **NAPILI BAY CIVIC IMPROVEMENT ADVISORY COMMITTEE**

The Committee reviews new development in the Napili Bay Civic Improvement District located in Napili, Maui.

- |                           |   |
|---------------------------|---|
| 1. Moʻiokai;              | <b>PERMITS &amp;<br/>PROCESSING<br/>PROCEDURES</b><br><br><b>TYPES OF PERMITS</b><br>-- |
| 2. Lanai;                 |   |
| 3. West Maui;             |   |
| 4. Wailuku-Kahului;       |   |
| 5. Kihei-Makena;          |   |
| 6. Makawao-Pukalani-Kula; |   |
| 7. Paia-Haiku;            |   |
| 8. Hana; and              |   |
| 9. Kahoolawe              |   |

## **Change in Zoning**

A Change in Zoning may be required when property is proposed to be used in a manner not allowed under the current zoning of that land. A Change in Zoning must be in conformance with the State Land Use District and Community Plan for the region. A change in zoning is processed through the appropriate Planning Commission and adopted through ordinance by the County Council and Mayor.

## **State Land Use Commission District Boundary Amendment**

A State Land Use Commission District Boundary Amendment is required when the proposed use of property is not allowed by regulations governing the State's land use districts, Chapter 205, Hawaii Revised Statutes. Applicants applying for amendments for lands greater than 15 acres or involving conservation lands should contact the State Land Use Commission at P.O. Box 2359, Honolulu, Hawaii 96804-2359. Applications for less than 15 acres are processed through the Department.

## **State Land Use Commission Special Permit**

A State Land Use Commission Special Permit is required for uses not explicitly permitted which may be permitted as an "unusual and reasonable" use within the State Agricultural and Rural Districts. Projects involving 15 acres or less are acted upon by the appropriate Planning Commission. Projects involving lands greater than 15 acres are processed by the County and referred to the State Land Use Commission for final action.

## **Community Plan Amendment**

A Community Plan Amendment may be required when a proposed use of property is not in conformance with the land use map or goals, objectives, policies, or recommendations of the appropriate regional community plan. There are nine regional community plans:

Community Plan Amendments require the submittal of a draft environmental assessment in accordance with the provisions of Chapter 343, Hawaii Revised Statutes. An assessment should provide the following:

Community Plan Amendments are adopted through ordinance by the County Council and Mayor.

### County Special Use Permit

Within the various zoning districts of the County there are uses identified as special uses which require a special permit from the appropriate Planning Commission. A Special Use Permit must comply with the policies and objectives of the general plan and the appropriate community plan of the region, the Hawaii Revised Statutes, and the Charter of the County.

### Conditional Permit

A Conditional Permit is required to establish a use not specifically permitted within a given use zone where the use is similar to or related to those uses permitted within the given use zone. The Conditional Permit is approved through ordinance adopted by the County Council and Mayor.

### Special Management Area Permit

The purpose of the Special Management Area is to protect the County's coastal environment and resources. A person proposing to develop property within the SMA is asked to file an application for an assessment and determination. The assessment must include a report identifying the anticipated impacts of the proposed action in the Special Management Area. The assessment should address the following:

- |    |  |
|----|--|
| 1. | The environmental setting of the property that is the subject of the proposed action;                  |
| 2. | The relationship of the proposed action to land use plans, policies, and control of the affected area; |
| 3. | The probable impact, including cumulative impacts, of the proposed action on the environment;          |

assessment;

2. General description of the economic, social, and environmental characteristics of the area;

3. Summary description of the affected area, including suitable and adequate location and size of the area;

4. Identification and summary of major alternatives considered; if any; and

5. Proposed mitigation measures, if any.

--

4. Any probable adverse environmental effects that can be avoided;
5. Alternatives to the proposed action;
6. Mitigating measures proposed to minimize impact; and
7. Any irreversible and irretrievable commitment of resources.

Upon completion of the assessment, the Director of Planning makes a determination whether the proposed action qualifies as an exemption or requires a permit. If a permit is required, the frequently requested permits are as follows:

**Minor Permit --** Applied to developments within the Special Management Area that meet the following criteria:

1. Valuation not in excess of \$125,000;
2. No significant adverse environmental impacts;
3. Consistent with the objectives, policies and Special Management Area guidelines; and
4. Consistent with the County General Plan and zoning.

**SMA Use Permit --** If the valuation of the development is greater than \$125,000 or may have a significant adverse environmental impact then an SMA Use Permit is required. The SMA Use Permit is granted by the appropriate Planning Commission.

### **Historic District Review**

The Historic District Review provides a means to ensure harmonious orderly development within the Historic District.

**Administrative Review --** The Director may approve a permit for exterior work involving less than 25% of the current assessed value of the structure or building.

**Commission Review --** New Construction and exterior work involving more than 25% of the current assessed value of the building or structure. Also, properties on a historic register or historic structures greater than 50 years.

### **Outdoor Sign Permit**

The outdoor sign ordinance seeks to maintain our County's natural beauty, protect property values, and promote the safety and welfare of our residents and guests. Signs which exceed a size threshold require a sign permit. Certain electrical signs,

e.g., neon signs, require an electrical permit from the Department of Public Works and Waste Management, Land Use and Codes Administration.

### **Bed and Breakfast Permit**

Bed and Breakfast Homes may be established in certain zoning districts in the County provided a Bed and Breakfast permit has been obtained. Depending upon the intensity of the use, either a Type 1, 2, or 3 permit is required.

1. B&B Type 1 Permit, for a maximum of two rental rooms; or
2. B&B Type 2 Permit, for a maximum of four rental rooms, minimum lot size of 7,500 square feet; or
3. B&B Type 3 Permit, for a maximum of six rental rooms, minimum lot size of 10,000 square feet.

Type 1 permits are processed administratively by the Planning Department and require at least two weeks to process. Type 2 permits require approval of the appropriate Planning Commission and may also require County Council approval. Type 3 permits require approval of both the appropriate Planning Commission and County Council.

### **Shoreline Setback Variance**

A variance is required for all proposed structures, facilities, construction or other activities which are prohibited within the shoreline setback area. The shoreline setback is not less than 25 feet and not more than one hundred fifty feet (150) feet inland from the upper reaches of the wash of waves other than storm and seismic waves, at high tide during the season of the year in which the growth or the upper limit of debris left by wash of the waves.

Prior to scheduling a hearing, full compliance with Chapter 200 of the State Department of Health, Environmental Impact Rules, is required.

### **Flood Development Permit**

Within the County of Maui, certain areas are subject to periodic flooding, tsunami, or both resulting in loss of life and property, creation of health and safety hazards, disruption of commerce and government.

A Flood Hazard Development Permit must be obtained prior to construction of any development within any special flood hazard area. Application for the permit must

be made on forms furnished by the Department and may require, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of the area in question, existing or proposed structures, fill, stockpiles, and drainage facilities. The application shall require the following:

1. Proposed elevation, in relation to mean sea level, of the lowest floor (including basement) of all structures. In zone AO, elevation of highest adjacent grade and proposed elevation of lowest floor of all structures;
2. Proposed elevation, in relation to mean sea level, to which any structure will be flood proofed;
3. All certifications required under Section 19.62.060 of the Maui County Code; and
4. Description of any anticipated watercourse alteration or relocation as a result of the proposed development.

Flood Development Permits are processed administratively.

#### **HOW TO PROCESS YOUR PERMIT**

The Planning Division recommends that prior to submitting an application, you contact the Department to discuss required procedures and issues that may arise during the permitting process. Once your application has been certified as being ready for processing, it will be assigned to a planner. The project planner will be your personal contact. Your project planner will provide the following assistance:

1. Staff support to the appropriate Commission, Board, and/or County Council;
2. Coordination with pertinent County and State agencies; and
3. Review for compliance with County ordinances and policies.

#### **First Steps Recommended for Processing of a Permit**

- A. Contact the Zoning Administration and Enforcement Division at (808) 270-7253 to obtain:
  1. The State land use designation, current zoning, community plan designation, and uses of the property.
  2. The feasibility of the proposed request.

B. Arrange a pre-application meeting with a planner from the Planning Division at (808) 270-7735. The purpose of the pre-application meeting is to advise you on how the County's plans and policies might affect your proposal.

You will need to prepare the following items and bring them to your pre-application meeting:

- A. The Tax Map Key which identifies the physical location of the property.
- B. A sketch or plat map of the area.
- C. The preliminary plans you have for the property.

Based on this pre-application meeting, you would then decide whether to submit a formal application. A written list of application requirements will be provided at the pre-application meeting. The following is a list of submittals which **may** be requested of you:

**Application Fee**

**Proof of Ownership** -- a copy of the deed or title report

**Letter of Authorization** -- if the application is not by the property owner

**Location Map** -- (8-1/2" x 14" format)

**List of Adjacent Property Owners and Lessees** -- within 500 feet of the subject parcel

**Project Impacts** -- general plan and community plan, archaeological and historical, sewage disposal, water, agriculture, traffic, solid waste, environment, etc.

**Photographs**

**Schematic Site Development Plans**

**Legal Metes & Bounds**

## **FORMAL HEARING PROCEDURES**

### **Change in Zoning, County Special Use Permit, Project Master Plan (CIZ, SUP, PMP)**

1. Applicant is required to send by certified or registered mail a notice of the date of the public hearing on a form provided by the Department to all recorded owners and lessees within 500 feet of the property not less than 30 days prior to the hearing.

2. Applicant must submit the certified mail receipts and each of the return receipts to the Planning Director not less than ten (10) business days prior to the date of the public hearing. A notarized affidavit of mailing shall also be submitted as proof of mailing.

3. Applicant must publish in a newspaper published twice weekly in the County the notification letter and location map once a week for three consecutive weeks prior to the hearing.

### **State Land Use Commission District Boundary Amendment for Projects 15 Acres or Less (LUC DBA)**

1. Applicant is required to send individual notice by registered or certified mail, return receipt requested, to all recorded owners and lessees within 500 feet of the property. A location map of the project shall be sent with the notice. Notification must occur thirty days prior to the hearing date. A affidavit of mailing of the notice must be submitted to the Department.

2. Applicant is required to publish a public hearing notice once per week for three consecutive weeks prior to the hearing in a newspaper published twice weekly in the County.

3. Department must publish a public hearing notice in a newspaper published twice weekly in the County.

### **State Land Use Commission Special Permit (LUC SUP)**

1. Twenty-five days prior to the public hearing, Applicant must provide notification of hearing date and location map by certified mail to adjacent property owners.

### **Community Plan Amendment (CPA)**

1. Applicant is required to mail a notice of the date, time and place of the public hearing on the application by certified or registered mail, return receipt requested, to each of the owners and lessees of record not less than 30 days prior to the date of the public hearing. An affidavit of mailing of the notice must be submitted to the Department.

2. Applicant is required to publish the subject matter once per week for three consecutive weeks in a newspaper printed and issued at least twice weekly in the County.



3. At least 30 days prior to the public hearing, the Department must publish a public hearing notice in a newspaper published twice weekly in the County.

### **Conditional Permit (CP)**

1. Once an application has been accepted by the Department, the Applicant is required to send notification of the hearing, and location map, by certified mail to all recorded owners and lessees within 500 feet of the property at least thirty days prior to the public hearing. The Applicant must submit an affidavit to the Department certifying that the notice has been provided.

### **Special Management Area Permit (SMA)**

1. Forty-five days prior to the public hearing, the Department must publish a notice of public hearing in a newspaper published twice weekly in the County.

2. Applicant is required to send notification of hearing and location map by registered or certified mail to all recorded owners and lessees within 500 feet of the property not less than 30 days prior to the hearing. The Applicant must also send notice to all persons who have requested in writing to be notified of proceedings.

3. Within ten days of departmental approval of the application, the Applicant must publish the notice of application and legible map once in a newspaper published twice weekly in the County.

### **Historic District Review**

Administrative Review -- The Director may approve a permit for exterior work involving less than 25% of the current assessed value of the structure or building.

Cultural Resources Commission (CRC) Review -- Applications are placed on the agenda. The CRC meets once per month.

### **Outdoor Sign Permit**

Signs requiring Category B and C permits are reviewed by the Urban Design and Review Board (UDRB). Applications are placed on the agenda. The UDRB meets twice per month.

### **Bed and Breakfast Type 1**

1. Applicant must send Notice of Filing of Application to all owners and lessees of record within a 500 foot radius of the subject property. A notarized affidavit of mailing must be submitted to the Department. The Applicant must also submit return receipts of mailing to the Department within 45 days from the date of mailing.

### **Bed and Breakfast Type 2 & 3**

1. Applicant must send Notice of Filing of Application to all owners and lessees of record within a 500 foot radius of the subject property. A notarized affidavit of mailing must be submitted to the Department. The Applicant must also submit return receipts of mailing to the Department within 45 days from the date of mailing.

2. The Applicant is required to publish the notice of application and location map at least 30 days prior to the public hearing date in a newspaper printed and circulated at least twice weekly in the County.

### **Shoreline Setback Variance**

1. At least 45 days prior to the public hearing, the Department must publish a public hearing notice in a newspaper published twice weekly in the County.

2. At least 30 days prior to the public hearing, the applicant is required to notify adjacent owners and recorded lessees of the hearing date. Proof of notice will be mailed back to the Department at least 10 days prior to the hearing date.

<b>HOW TO REQUEST A ZONING VARIANCE</b>
---

To apply for a variance or to appeal a decision:

1. Contact the Zoning Administration and Enforcement Division at (808) 270-7253 to obtain the Zoning Ordinance Development Standards applicable to your parcel of land.

2. Arrange a pre-application meeting with a planner from the Zoning Administration and Enforcement Division at (808) 270-7253. The purpose of this meeting is to advise you of any County plans and policies which may affect your request.
3. A written list of submittal requirements will be provided at the pre-application meeting.

The following is a list of items which **may** be requested of you when you submit an application.

**Application Fee**

**Proof of Ownership** -- a copy of the deed or title report

**Letter of Authorization** -- if the applicant is not the property owner

**Location Map** -- (8-1/2" x 14" format)

**List of Adjacent Property Owners and Lessees** -- adjacent to and across the street from the subject property

**Photographs**

**Twenty (20) copies of plans** -- prepared by or under the supervision of a licensed engineer, surveyor, or architect

**VARIANCES FROM THE PROVISIONS OF THE ZONING ORDINANCE**

A variance from the provisions of the Zoning Ordinance is not authorized unless the Board finds upon sufficient evidence:

1. That there is an exceptional, unique, or unusual physical or geographical condition existing on the subject property which is not generally prevalent in the neighborhood or surrounding area and the use sought to be authorized by the variance will not alter the essential character of the neighborhood;
2. That strict compliance with the applicable provisions of this title would prevent reasonable use of the subject property; **and**
3. That the conditions creating a hardship were not the result of previous actions by the applicant.

## **Formal Hearing Procedures of the Board of Variances and Appeals**

For variances from the Zoning Ordinance:

1. Applicant must mail a copy of the notice of application for a variance to all owners and lessees adjacent to and across the street from the subject property.
2. Department is required to publish a public hearing notice in a newspaper published twice weekly in the County at least 30 days prior to the hearing.
3. Applicant must send a copy of the notice of public hearing by certified mail, return receipt requested, to all of the owners and lessees of record located adjacent to and across the street from the subject parcel.
4. Applicant must publish a copy of the notice of public hearing once per week for three consecutive weeks prior to the public hearing date in a newspaper which is printed and issued at least twice weekly in the County and which is generally circulated throughout the County.

## **Appeals from Agency Decisions**

The Board will hear appeals from decisions and orders made by agencies responsible for interpreting and enforcing the Zoning, Subdivision, and Building Ordinance. These appeals shall be filed within 30 days of such decisions on a form provided by the Department.

The Board will determine whether relief shall be granted to such appeals.

## **How to Request a Sign Permit**

1. Contact the Zoning Administration and Enforcement Division at (808) 270-7253 to obtain sign development standards.
2. Sign Permit applications can be picked up at the Department of Public Works and Waste Management, Land Use and Codes Administration, at 250 South High Street, Wailuku, HI 96793.
3. Two copies of site plans and elevations must be submitted with the application showing:
  - a. Colors and materials of sign letters and logo;
  - b. Color and texture of background material;
  - c. Material of wall or sign surface;
  - d. All dimensions of sign area and site; and

- e. Landscape planting plan for ground signs.

### **How to Report a Zoning Code Violation**

Report the alleged violation in writing, in person or call the County of Maui's Zoning Administration and Enforcement Division at (808) 270-7253. Please provide your name (optional), address (optional), and telephone number (optional); the nature of the violation; and the subject property's address. The Code Enforcement team will process your inquiry. Your name will be held in strict confidence; but the inspector may need to talk to you for additional information or provide you with the disposition of your inquiry.

APPENDIX
----------

**Figure 1:** Summary of Permits

**Figure 2:** Commercial Zoning Districts

**Figure 3:** Development Standards

**Figure 4:** Development Process Summary

### **Common Development Terms**

PERMIT	AGENCY	TIME REQUIRED
<b>SIGN PERMIT</b> for outdoor signs exceeding maximum square footage requirements (for example in commercial districts, a permit would be required for sign on a building larger than 2 sq. ft. - about the area of a medium-sized bulletin board.)	Urban Design Review Board	4 days minimum for administrative review; 45 days minimum if public hearing required

<b>COUNTY SPECIAL USE</b> for permitted uses which could have adverse impacts on neighboring properties	Planning Commission	180 days minimum
<b>CONDITIONAL USE</b> for uses not permitted within a zoning district	Planning Commission and Maui County Council	no time limit
<b>STATE SPECIAL USE</b> for certain “unusual and reasonable” uses within the agricultural or rural district which could have adverse impacts on neighboring properties	Planning Commission for < than 15 acres  State Land Use Commission for > than 15 acres	180 days minimum
<b>USE VARIANCE</b> for uses not permitted within a zoning district; applicant must establish that conformance with code would result in unusual hardship	Board of Variances & Appeals	90 days minimum

**Figure 1: Summary of Permits**

\* Call the Department of Planning for exact information.

PERMIT	AGENCY	TIME REQUIRED
<b>CHANGE IN ZONING</b> to change County zoning from one designation to another	Planning Commission and Maui County Council	no time limit
<b>DISTRICT BOUNDARY AMENDMENT</b> to change the State land use designation from one designation to another	Planning Commission for < than 15 acres State Land Use Commission for > than 15 acres	Contact the State Land Use Commission at P.O. Box 2359, Honolulu, HI 96804-2359
<b>SPECIAL MANAGEMENT AREA (SMA)</b> required for development within the State’s coastal areas	Planning Commission	30 days minimum if no public hearing required; approximately 180 days if hearing required

<b>HISTORIC DISTRICT APPLICATION</b> regulates development within County's historic districts	<b>Cultural Resources Commission</b>	<b>14 days minimum for administrative review; 45 days minimum if hearing required</b>
<b>BED AND BREAKFAST</b> required for bed and breakfast uses within the State Urban District	<b>Admin. Planning Commission and/or Maui County Council</b>	<b>30 days; 120 days approximately required for Type 2 permits where Council action is not required; no time limit if Council action required</b>

**Figure 1: Summary of Permits**

\* Call the Department of Planning for exact information.

**The following is a listing of commercial zoning districts in Maui County, and generally permitted uses for each. The list is not all inclusive. Call the Department of Planning for exact information.**

<b>DISTRICT</b>	<b>PERMITTED USES</b>
<b>B-1 - NEIGHBORHOOD BUSINESS</b> where retail/service establishments supply or serve residents of the surrounding neighborhood	Barber/beauty shops; bakeries; book/gift shop; meat markets and delicatessens; drug stores and grocery stores; package liquor stores; florists; day care centers and nurseries; laundromats; gasoline retailing
<b>B-2 - COMMUNITY BUSINESS</b> where retail/service establishments supply or serve the community, but at a less-intensive level of use than in the Central Business District	Any B-1 permitted use plus: stadiums and sports activities, including billiard/pool halls and bowling alleys; department stores; medical/dental clinics; nursing homes; private schools or business colleges; commercial retail; restaurants and bars; business or professional offices; banks; automobile service or repair; used car lots; mortuaries
<b>B-3 - CENTRAL BUSINESS</b> where general business enterprise is permitted at heights of up to 12 stories	Any B-1 or B-2 permitted uses plus: automobile painting, steam cleaning, or upholstery, awning or canvas stores; equipment rental and sales yards, hatcheries; lumber yards; machine shops; plumbing shops; storage buildings and warehouses; storage yards; trucking and truck storage
<b>B-CT - COUNTRY TOWN BUSINESS</b> the commercial areas of rural-based communities such as Makawao, Paia, Hana, Lanai City, and Kaunakakai	Restaurants; commercial retail; automobile service/repair; educational/trade/personal development schools and studios; churches and other non-profit or charitable organizations; business or professional offices; laundromats

**Figure 2: Commercial Zoning Districts**

\* Call the Department of Planning for exact information.

DISTRICT	PERMITTED USES
<b>B-R - RESORT COMMERCIAL</b> provides commercial activities and services for the transient visitor	Art galleries; restaurants; bars and night clubs; camera/flower/gift shops; massage parlors; parking lots; specialty clothing shops; taxicab stations; theaters or auditoriums; travel agencies
<b>M-1 - LIGHT INDUSTRIAL</b> contains warehousing and distribution activities, including compounding, assembly, or treatment of materials (no heavy manufacturing or processing of raw materials)	Any B-1, B-2, or B-3 permitted use plus: animal kennels; carpet cleaning; cold storage; cabinet and furniture manufacturing; electrical appliance assembly; food processing/manufacturing; light/heavy equipment display/storage; machine shop; small boat building; tire repair; wholesaling
<b>M-2 - HEAVY INDUSTRIAL</b> allows for manufacture and treatment of raw materials	Any B-1, B-2, B-3, or M-1 permitted use plus: alcohol manufacture; automobile wrecking; concrete/brick/tile yards; lime kilns; oil/petroleum storage; linoleum/paint/lacquer/varnish/plastic manufacture; ship works; sugar mills/refineries
<b>HOTEL</b>	Any use permitted in residential and apartment districts; hotels; apartment-hotels; auditoriums and theaters; non-profit museums and galleries; accessory uses such as bars, barber shops, beauty parlors, gift and curio shops, pharmacies and drug stores, tour service agencies
<b>AGRICULTURAL</b>	Agriculture; agricultural land conservation; agricultural parks; animal and livestock raising; minor utility facilities; single-family farm dwellings; accessory farm buildings; farmers markets; agricultural products stands; agricultural related storage, wholesale, and distribution activities; farmers's cooperatives; certain public and private open area recreational activities

**Figure 2: Commercial Zoning Districts**

\* Call the Department of Planning for exact information.

## COMMON DEVELOPMENT TERMS

### *General Plan:*

The General Plan is the County's long-range guide to encouraging balanced growth that protects our environment, facilitating the concurrent provision of infrastructure and services with future development, and preserving the character of our cities, towns, and historic districts. The General Plan contains goals, policies and recommendations to accomplish city-wide and regional needs.

### *Zoning:*



Zoning is used to classify the way land is used to provide orderly growth, quality development and compatible land use relationships with available public facilities and services in the County. Zoning regulates the types of activities, the nature, height, building area and intensity of land uses to protect the public health, safety and welfare and promote community functionality and aesthetics.

***Site / Technical / Building Plan Review :***

The site plan review is a graphic representation of the proposed project used as an organizational document to review construction projects. County staff representing planning, traffic engineering and engineering participate in site plan review and approval to ensure technical compliance with the County's development standards, codes and ordinances. Site plan review also is used to promote the high quality visual appearances of development projects, promote design compatibility with surrounding land uses and ensure access to public facilities such as water, sewer, drainage facilities and street improvements.

Landscape plans, grading and drainage, paving, water and sewer plans are considered major technical plan documents. These plans serve as construction documents for specific site improvements. The technical plans must be approved by the County to assure conformance with the approved site plan/subdivision plat. Construction of these improvements are inspected by the County for final acceptance.

Building Plans include drawings, specifications and calculations indicating structural, architectural, electrical, mechanical, and plumbing components of a building. These plans serve as construction documents and must correlate with the approved site plan/subdivision plat.

***Certificate of Occupancy (CO):***

A Certificate of Occupancy is issued to authorize the use or occupancy of a building or structure. The CO is issued only when the construction and/or use has passed County inspection to demonstrate that the project is substantially in compliance with the Building Construction Code, Zoning Ordinance and other County and state requirements relating to water and sewer, grading and drainage and streets and traffic.

**July 1999**

**County of Maui  
Department of Planning  
Kalana Pakui Building  
250 South High Street  
Wailuku, Hawaii 96793**

C:\MyFiles\plan1.bak